

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2005/001206

International filing date (day/month/year)
07.02.2005

Priority date (day/month/year)
17.02.2004

International Patent Classification (IPC) or both national classification and IPC
H04Q7/22

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. The following document is referred to in this communication:

D1: EP-A-0 930 770 (MITSUBISHI ELECTRIC CORP) 21 July 1999 (1999-07-21)

D2: EP-A-1 271 970 (SIEMENS AG) 2 January 2003 (2003-01-02)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-12 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.1 Using the wording of independent claim 1, document D1, which is regarded as being the closest prior art, discloses (the references in parenthesis applying to this document):

"A communication method between at least two terminals, and based on the sending from a first terminal to at least one second terminal of a message comprising a programming agent (paragraph 75), consisting in automatically starting, using the programming agent, the establishment of a phone link between the first terminal and the at least one second terminal (paragraphs 76, 78 and 79)."

The subject-matter of claim 1 therefore differs from this known communication method in that the message comprising a programming agent is a multimedia message. This feature is described in document D2 (see paragraphs 8 and 12), wherein the multimedia messaging service is used as a bearer or transport mechanism for applications, as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to include this feature in the communication method described in document D1.

- 2.2 Dependent claims 3, 5-8 and 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT):
- for claim 3: see paragraph 75 of document D1
 - for claims 5, 6, 7, 8 and 11: see paragraphs 79 and 92 of document D1
- 2.3 Furthermore, dependent claims 2, 9, 10 and 12 do not appear to contain any additional features which in combination with the features of any claim to which they refer, involve

an inventive step for the reason that the subject-matter of said claims is either in principle directly derivable from the disclosure of document D1 (see paragraphs 79 and 92 for claim 2) or is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed (claims 4, 9, 10 and 12).